

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

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DIVISION

2007 MAY 23 P 4: 20

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

REVENUE SCIENCE, INC., )

Plaintiff, )

v. )

Civil Action No. 07CV516 GBL/LOG

VALUECLICK, INC. )

FASTCLICK, INC. )

WEB CLIENTS, INC. )

COMMISSION JUNCTION, INC. )

BE FREE, INC. )

PRICERUNNER AB )

MEDIAPLEX, INC. )

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY DEMANDED

Serve: )

National Registered Agents, Inc. )

160 Greentree Drive, Suite 101 )

Dover, Delaware 19904 )

(for Defendants ValueClick, Inc., )

FastClick, Inc., Web Clients, Inc., )

Commission Junction, Inc., Be Free, Inc., )

And Mediaplex, Inc.) )

Officer or General Manager )

30699 Russell Ranch Road, Suite 250 )

Westlake Village, California 91362 )

(For Pricerunner AB) )

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Revenue Science, Inc. ("RSI"), by its counsel, alleges as follows:

**NATURE OF ACTION**

1. This action arises out of infringement by Defendant ValueClick, Inc. and its subsidiaries (collectively "Defendants") of United States Patents owned by RSI.

## **PARTIES**

2. Plaintiff RSI is a Washington corporation with a principal place of business at 10500 NE 8<sup>th</sup> Street, 13<sup>th</sup> floor, Bellevue, Washington 98004. RSI provides a leading targeting platform and advertising network that connects advertisers with engaged audiences.

3. On information and belief, Defendant ValueClick is a Delaware Corporation with a principal place of business at 30699 Russell Ranch Road, Suite 250, Westlake Village, California 91362.

4. On information and belief, Defendant FastClick, Inc., a 100% owned subsidiary of ValueClick, Inc., is a Delaware Corporation with an office at 360 Olive Street, Santa Barbara, California 93101.

5. On information and belief, Defendant Web Clients, Inc., a 100% owned subsidiary of ValueClick, Inc., is a Delaware Corporation with an office at 2201 North Front Street, Harrisburg, Pennsylvania 17110.

6. On information and belief, Defendant Commission Junction, Inc., a 100% owned subsidiary of ValueClick, Inc., is a Delaware Corporation with an office at 530 East Montecito Street, Santa Barbara, CA 93103.

7. On information and belief, Defendant Be Free, Inc., a 100% owned subsidiary of ValueClick, Inc., is a Delaware Corporation with an office at 377 Simarano Drive, Marlborough, Massachusetts 01752.

8. On information and belief, Defendant Pricerunner AB, a 100% owned subsidiary of ValueClick, Inc., is a Swedish Corporation with an office at 30699 Russell Ranch Road, Suite 250, Westlake Village, California 91362.

9. On information and belief, Defendant Mediaplex, Inc., a 100% owned subsidiary of ValueClick, Inc. is a Delaware Corporation with an office at 177 Steuart Street, Suite 600, San Francisco, California 94105.

10. On information and belief, Defendants offer a suite of products, services and technologies related to online advertising. The Defendants' combined suite of products includes display advertising, lead generation marketing, email marketing, search marketing, comparison shopping, affiliate marketing, the MOJO suite of products, and the Commission Junction suite of products. The broad range of products Defendants offer enable their advertiser customers to address multiple aspects of the marketing process, including planning, implementation, results measurement and campaign optimization.

#### **JURISDICTION AND VENUE**

11. This is an action for patent infringement. The claims arise under the patent laws of the United States, Title 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. On information and belief, Defendants regularly conduct business activities in the Eastern District of Virginia. Such business activities include operating web-server computers, affiliating with web site publishers, and partnering with a software development company.

13. On information and belief, Defendants regularly direct additional contacts toward residents of the Eastern District of Virginia. Such additional contacts include making a commercial, highly-interactive web site available to residents of the Eastern District of Virginia; and promoting and facilitating the transaction of business between visitors to the web site and hotel operators located in the Eastern District of Virginia.

14. Through their acts of infringement, Defendants have harmed the interests of RSI in the Eastern District of Virginia.

15. This Court may properly exercise personal jurisdiction over Defendants. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400 (b).

#### **RSI'S PATENTS**

16. On July 12, 2005, United States Patent No. 6,917,972 (the "'972 Patent"), entitled "Parsing Navigation Information to Identify Occurrences Corresponding to Defined Categories," was duly and legally issued to RSI as assignee of the inventors, Roman Basko, Jay Sauls, and Radha Krishna Uppala. A true and correct copy of the '972 Patent is attached hereto as Exhibit 1.

17. RSI is the owner by valid assignment of all rights, titles, and interest in the '972 Patent.

18. On April 25, 2006, United States Patent No. 7,035,925 (the "'925 Patent"), entitled "Parsing Navigation Information to Identify Occurrences Based on the Times of Their Occurrences," was duly and legally issued to RSI as assignee of the inventors, Krishnamohan Nareddy and Radha Krishna Uppala. A true and correct copy of the '925 Patent is attached hereto as Exhibit 2.

19. RSI is the owner by valid assignment of all rights, titles, and interest in the '925 Patent.

20. On September 12, 2006, United States Patent No. 7,107,338 (the "'338 Patent"), entitled "Parsing Navigation Information to Identify Occurrences Based on the Times of Their Occurrences," was duly and legally issued to RSI as assignee of the inventors, Krishnamohan

Nareddy and Radha Krishna Uppala. A true and correct copy of the '338 Patent is attached hereto as Exhibit 3.

21. RSI is the owner by valid assignment of all rights, titles, and interest in the '338 Patent.

### **CLAIM ONE**

#### **INFRINGEMENT OF U.S. PATENT NO. 6,917,972**

22. RSI incorporates by reference each and every allegation set forth in paragraphs 1 through 21 of the Complaint.

23. RSI is informed and believes and thereon alleges that Defendants have been and are infringing, literally and/or under the doctrine of equivalents, contributing to the infringement of, and/or inducing the infringement of one or more claims of the '972 Patent pursuant to 35 U.S.C. § 271 by making, selling, using and/or offering for sale products, services and technology based on parsing of user interaction data by category.

24. By reason of Defendants' acts alleged herein, RSI has suffered, is suffering and will continue to suffer injury to its business and property rights for which it is entitled to damages in an amount to be proved at trial.

25. As a result of Defendants' infringement of the '972 Patent, RSI has suffered, is suffering, and will continue to suffer irreparable harm unless such acts are enjoined by the Court.

### **CLAIM TWO**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,035,925**

26. RSI incorporates by reference each and every allegation set forth in paragraphs 1 through 25 of the Complaint.

27. RSI is informed and believes and thereon alleges that Defendants have been and are infringing, literally and/or under the doctrine of equivalents, contributing to the infringement of, and/or inducing the infringement of one or more claims of the '925 Patent pursuant to 35 U.S.C. § 271 by making, selling, using and/or offering for sale products, services and technology based on parsing of user interaction data by time.

28. By reason of Defendants' acts alleged herein, RSI has suffered, is suffering and will continue to suffer injury to its business and property rights for which it is entitled to damages in an amount to be proved at trial.

29. As a result of Defendants' infringement of the '925 Patent, RSI has suffered, is suffering, and will continue to suffer irreparable harm unless such acts are enjoined by the Court.

### **CLAIM THREE**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,107,338**

30. RSI incorporates by reference each and every allegation set forth in paragraphs 1 through 29 of the Complaint.

31. RSI is informed and believes and thereon alleges that Defendants have been and are infringing, literally and/or under the doctrine of equivalents, contributing to the infringement of, and/or inducing the infringement of one or more claims of the '338 Patent pursuant to 35 U.S.C. § 271 by making, selling, using and/or offering for sale products, services and technology based on parsing of user interaction data by, among other things, time.

32. By reason of Defendants' acts alleged herein, RSI has suffered, is suffering and will continue to suffer injury to its business and property rights for which it is entitled to damages in an amount to be proved at trial.

33. As a result of Defendants' infringement of the '338 Patent, RSI has suffered, is suffering, and will continue to suffer irreparable harm unless such acts are enjoined by the Court.

**PRAYER FOR RELIEF**

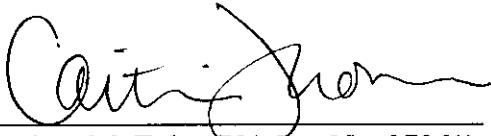
WHEREFORE, RSI prays for judgment against Defendants as follows:

- (a) For judgment that Defendants have infringed, directly or indirectly, the patents-in-suit;
- (b) For a permanent injunction prohibiting Defendants, and all persons or entities acting in concert with Defendants, from infringing, directly and/or indirectly, the patents-in-suit;
- (c) For an award to RSI of all compensatory damages resulting from the direct and/or indirect infringement by Defendants of the patents-in-suit, including pre-judgment and post-judgment interests;
- (d) For judgment and an order directing Defendants to pay RSI's reasonable attorneys' fees, expenses and costs due to this being an "exceptional" case within the meaning of 35 U.S.C. § 285;
- (e) For judgment directing Defendants to pay costs of suit; and
- (f) For an award to RSI of such other and further relief as the Court deems equitable, just and proper.

**DEMAND FOR JURY TRIAL**

RSI demands a trial by jury.

Dated: May 23, 2007



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Respectfully Submitted,

REVENUE SCIENCE, INC

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